

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION

DEMETRIUS BROWN, )  
Plaintiff, )  
v. )  
U.S. JUSTICE DEPARTMENT, )  
BUREAU OF PRISONS, FCI MCKEAN, )  
WARDEN JOHN J. LAMANNA, REGIONAL  
DIRECTOR D. SCOTT DODRILL, MEDICAL  
DIRECTOR NEWTON E. KENDIG, DIRECTOR  
HARLEY G. LAPPIN. )  
Defendants. )  
Civil Action No. 04-379 E

**FILED**

OCT - 9 2007

NOTICE OF APPEAL

CLERK OF COURT  
WEST. DIST. OF PENNSYLVANIA

NOTICE IS HEREBY GIVEN THAT, DEMETRIUS BROWN, herein as Plaintiff in the above named case and, proceeding Pro-Se, hereby appeal to the United States Court of Appeals for the Federal Circuit pursuant to Fed.R.Civ.P. 4(a), from the final judgment entered in this action on the 24th day of September, 2007. The issues for appeal are:

WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION WHEN GRANTING DEFENDANTS' MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT **AND** WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION WHEN DENYING AS FUTILE PLAINTIFF'S MOTION TO FILE THIRD AMENDED COMPLAINT.

Further, the Court's jurisdiction based on appeal is pursuant to 28 U.S.C. §1295(a)(2).

Respectfully submitted,

  
Demetrius Brown  
Reg. No. 21534-039  
FCI RayBrook  
P.O. Box 9001  
RayBrook, NY. 12977

cc:file  
db/db

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Defendants. )

PROOF OF SERVICE

I, DEMETRIUS BROWN, do swear or declare that on this date, October 3rd, 2007, as required by Fed.R.Civ.P. 5, I have served the enclosed NOTICE OF APPEAL on each party to the above proceeding or that of party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in FCI RayBrook's internal mail system for mail in the United States, mail properly addressed to each of them and with first-class postage prepaid. The names and addresses of those served are as follows:

MEGAN E. FARRELL at 700 Grant St, Suite 4000  
Assistant U.S. Attorney Pittsburgh, PA. 15219  
Western District of PA (412)894-7429  
PA ID #76972

I declare under penalty of perjury that the foregoing is true and correct. Executed on 10 - 3 -, 2007.

Demetrius Brown